

# EXHIBIT D

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SEPTEMBER 02, 2010

### Digitek litigation resolved through private settlement agreement: All MDL and tolled cases to be included

MT. PLEASANT, S.C. – (September 2, 2010) – Motley Rice LLC, one of the nation's largest plaintiffs' litigation firms, announces that a private settlement agreement was reached on Wednesday, September 1, 2010, regarding *Digitek®* lawsuits in *In re: Digitek Products Liability Litigation*, federal multidistrict litigation (MDL) for which Motley Rice LLC serves as plaintiffs' co-lead counsel. After negotiations with the Plaintiffs' Steering Committee, Defendants Actavis Totowa LLC, Actavis Elizabeth LLC, Actavis Inc., Mylan Pharmaceuticals Inc., Mylan Berlek Pharmaceuticals Inc., Mylan Inc., and UDL Laboratories, Inc., agreed to a private settlement agreement that establishes a program to resolve MDL cases and tolled claims.

Digitek manufacturer Actavis issued a nationwide recall on April 25, 2008, of all strengths of Digitek due to the possibility that tablets with double the appropriate thickness may have been commercially released. Shortly after the recall, plaintiffs filed lawsuits in both state and federal courts throughout the country claiming injuries from alleged exposure to out-of-specification tablets. On August 13, 2008, the U.S. Judicial Panel on Multidistrict Litigation issued an order coordinating and centralizing the federal cases under Judge Joseph R. Goodwin in the U.S. District Court for the Southern District of West Virginia. At the signing of the agreement, there were approximately 860 cases pending in the MDL, 2,190 cases under tolling agreements and 150 cases filed in various state courts.

The agreement follows an extensive investigation into the facts and laws applicable to the claims against the defendants and careful consideration of the circumstances regarding the actions and potential advantages that a settlement could provide. The settlement program is open only to those cases filed or tolled on or before September 1, 2010, and claimants will have to provide proof of Digoxin Toxicity while taking Digitek in order to qualify. Administrators of the claims facility will examine individual cases to determine qualification based on objective, documented facts provided by the claimants. State Cases may also opt into the program.

"Creating a process to look at individual claims is the fairest and fastest way to efficiently provide payment to qualified claimants," said Motley Rice attorney Fred Thompson, who serves as co-lead counsel in the Digitek MDL. "Proof of product defect in specific cases has been a very difficult issue. This is an opportunity to end a long and difficult litigation that has stretched on for more than two years. A fair resolution is in everyone's best interest."

Individual plaintiffs will have the opportunity to opt out of the settlement program and continue their lawsuits. The agreement provides that the defendants do not admit causation or fault and they may terminate the agreement on or before December 1, 2010, if 15% or more of MDL cases and 10% or more of tolled claims elect to opt out of the program. In the event that the settlement attains the threshold numbers to become vested, cases that opt out will be restored to active litigation. Then, a schedule for completion of discovery, filing and a decision on dispositive motions and trial date will be set by Judge Goodwin.

#### About Motley Rice LLC

Motley Rice LLC is one of the nation's largest plaintiffs' litigation firms. Motley Rice attorneys gained recognition for their *asbestos lawsuit* work, their landmark litigation against the tobacco industry on behalf of State



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Attorneys General, and the 9/11 families in their groundbreaking lawsuit against terrorist financiers. The firm's attorneys represent individuals that have been injured by pharmaceutical drugs, defective medical devices and nursing home abuse and neglect. In addition to serving as co-liaison counsel for the Digitek MDL, the firm's attorneys also serve as co-lead and liaison counsel in the Composita® Kugel® Mash MDL, and are active in litigation involving such drugs as Avandia®, NuvaRing®, Wellbutrin®, Zyban®, and Yasmin® and Yaz®. Motley Rice Wellbutrin lawyers are also involved in ongoing Wellbutrin lawsuits against GlaxoSmithKline. Motley Rice is headquartered in Mount Pleasant, South Carolina, and has additional offices in Connecticut; Washington, D.C.; New York; Rhode Island; and West Virginia. For more information about Motley Rice LLC or the Digitek settlement or litigation, contact Digitek lawyer Fred Thompson (SC) at 1.843.216.9118.

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